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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,916	08/22/2003	George J. English	00-1-248 D1	1940
24252	7590	02/22/2006	EXAMINER	
OSRAM SYLVANIA INC 100 ENDICOTT STREET DANVERS, MA 01923			CARIASO, ALAN B	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/646,916	ENGLISH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alan Cariaso	2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 36-38,40,43-59 and 65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36-38,40 and 43-59 is/are allowed.
- 6) ☒ Claim(s) 65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt of applicant response filed December 9, 2005 is acknowledged. Claims 36-38, 40, 43-59 and 65 are pending, of which claim 65 is newly submitted. Claims 61-64 are cancelled.

### ***Claim Objections***

2. Claim 65 is objected to because of the following informalities: Claim 65, line 2, "illuminate" is incorrect in tense or form. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 65 is rejected under 35 U.S.C. 102(b) as being anticipated by BYRNE (US 5,561,346).
5. BYRNE discloses a light source (fig.4) for use with a concave reflector (34) to direct light to a field to be illuminated (in the direction forward or above lens 36), the light source comprising: a support (16) including an umbrella like head portion (14); one or more LEDs (the lowest one or more LEDs 20 closest to the stem 16) mounted on the head portion (14), and positioned with respect to the head portion (14) so that the head

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portion (14) is substantially intermediate the one or more LEDs (the lowest one or more LEDs 20 closest to the stem 16) and the field to be illuminated; the support (16) further including a post (16) having a first end (top end of 16) supporting the head portion (14) and a second end (13,22) axially extended away from the first end, the second end (13,22) being mechanically fixed (fig.4) relative to the reflector (34) to position the head portion (14) away from the reflector (34); and wherein the one or more LEDs (the lowest one or more LEDs 20 closest to the stem 16) are arranged on the head portion (14) to face the reflector (34) and direct light emitted from the one or more LED (20) towards the reflector (34) for reflection to the field to be illuminated.

***Allowable Subject Matter***

6. Claims 36-38, 40 and 43-59 are allowed.

***Interference***

7. In regards to applicant's remarks that include a suggestion of an interference of new claim 65 with US 6,652,122, presently that suggestion is premature given the rejection of the claim above. Upon the situation of all pending claims being allowable, applicant's suggestion of interference should meet the requirements of 37 CFR 41.202 (a) (1-6).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. FINKEL (US 2,087,537) shows an umbrella like head portion (10 or 3), a plurality of lights (13) and a concave modifier (14) (opaque or translucent) mounted on a support (1). RAMER et al (US 6,334,700) show in figure 4 a plurality of LEDs (37) supported under a mask or head portion (35) that includes a tube (43), a reflective concave cavity (33), the mask or head portion (35) intermediate the LEDs and the field above to be illuminated.

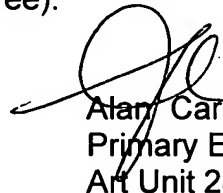
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alan Cariaso  
Primary Examiner  
Art Unit 2875

February 16, 2006  
AC